

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Vito Fabbrizio et al.

Application No. : 10/631,323 Filed : July 31, 2003

For : LOW-VOLTAGE, VERY-LOW-POWER CONDUCTANCE MODE

NEURON

Art Unit : 2122

Docket No. : 03-I-712 (850063.603RI)

Date : May 19, 2005

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.47(a) TO ACCEPT APPLICATION WHEN JOINT INVENTORS REFUSE TO JOIN OR CANNOT BE REACHED

Pursuant to 37 CFR 1.47(a), joint inventors Vito Fabbrizio and Alan Kramer hereby petition to file the above-identified application on behalf of themselves and joint inventor Gianluca Colli, who cannot be reached to execute a Declaration under 37 CFR 1.63 for the above-identified application. This petition is accompanied by the Declaration of Ms. Janice Kniep.

Statement of Facts

The last known address for Gianluca Colli is as follows:

Home:

141 Saratoga Avenue, #1215 Santa Clara, CA 95051

The last known telephone numbers for Gianluca Colli are as follows:

Home: 408-246-3546 <u>Business</u>: 408-451-8146

05/23/2005 EFLORES 00000013 10631323

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filing of and proceed in prosecuting the application on behalf of themselves and the non-joining co-inventor, Mr. Gianluca Colli.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

E. Russell Tarleton

Registration No. 31,800

ERT:jk

Enclosures:

Postcard

Declaration of Janice Kniep

701 Fifth Avenue, Suite 6300 Seattle, Washington 98104-7092

Phone: (206) 622-4900 Fax: (206) 682-6031

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PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450

Ţ	Application Number	10/631,323			
İ	Filing Date	July 31, 2003			
	First Named Inventor	Vito Fabbrizio			
ľ	Art Unit	2122			
	Examiner Name				
	Attorney Docket Number	03-I-712 (850063.603RI)			

Enclosed is a petition filed under 37 CFR 1.47 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$200 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Pavment of Fees (small enti	v amounts are NOT availab	le for the petition fees
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- X The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 19-1090: x any deficiency of fees and credit of any overpayments. petition fee under 37 CFR 1.17(f), (g) or (h) Enclose a duplicate copy of this form for fee processing.
- Check in the amount of \$200 is enclosed. X
- Π Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) to accord a filing date. § 1.57(a) to accord a filing date.
- § 1.182 for decision on a question not specifically provided for.
- § 1.183 to suspend the rules.
- § 1.378(e) for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 for access to an assignment record.
- § 1.14 for access to an application.
- § 1.47 for filing by other than all the inventors or a person not the inventor.
- § 1.59 for expungement of information.
- § 1.103(a) to suspend action in an application.
- § 1.136(b) for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 for review of refusal to publish a statutory invention registration.
- § 1.296 to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 for patent owner requests for extension of time in inter partes reexamination proceedings. § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 for changing the scope of a license.
- § 5.25 for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) to request documents in a form other than that provided in this part.
- § 1.84 for accepting color drawings or photographs.
- § 1.91 for entry of a model or exhibit.
- § 1.102(d) to make an application special.
- § 1.138(c) to expressly abandon an application to avoid publication.
- § 1.313 to withdraw an application from issue.
- § 1.314 to defer issuance of a patent.

E Runell Lalet	May 19, 2005
Signature	Date
E. Russell Tarleton	31,800
Typed or printed name	Registration No., if applicable





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

Vito Fabbrizio et al.

Application No.

10/631,323

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Filed

: July 31, 2003

For

LOW-VOLTAGE, VERY-LOW-POWER CONDUCTANCE MODE

NEURON

Art Unit

2122

Docket No.

03-I-712 (850063.603RI)

Date

May 12, 2005

DECLARATION OF JANICE KNIEP

I, Janice Kniep, hereby declare as follows:

- 1. That I am a citizen of the United States, am over the age of 21, and am competent to attest to the facts set forth herein:
- 2. I am an employee of Seed Intellectual Property Law Group PLLC, the attorneys of record in the above-referenced application, and have been so employed since March 8, 2004.
- 3. On February 23, 2005, I left a voice message at the telephone number for Mr. Alan Kramer regarding the Declaration document for the above-identified application.
- 4. On February 23, 2005, Mr. Alan Kramer left a return voice message with a current address to send the Declaration document.
- 5. On February 25, 2005, I left a voice message at the last known telephone number for Mr. Gianluca Colli regarding the Declaration document for the above-identified application. The answering machine did not identify the owner, only that I had reached the number I dialed. I received no response to my voice message.

- 6. On February 25, 2005, I left a second voice message at the telephone number for Mr. Alan Kramer indicating that I would be sending the Declaration document to him for signature and to obtain Mr. Vito Fabbrizio and Mr. Gianluca Colli's signatures.
- 7. On March 3, 2005, I mailed the Declaration and application papers to Mr. Alan Kramer with a request that he sign the same and obtain the signatures of Mr. Vito Fabbrizio and Mr. Gianluca Colli, and to then return the executed Declaration and application papers.
- 8. On March 29, 2005, the Declaration was returned to me with Mr. Alan Kramer and Mr. Vito Fabbrizio's signatures. The Declaration was accompanied by a letter from Ms. Jennifer Dyer, the Human Resource's Manager at UPEK, Inc., on behalf of Mr. Alan Kramer, stating that the current whereabouts of Mr. Gianluca Colli are unknown. A copy of this letter is appended hereto as Attachment A.
- 9. From April 4, 2005 to April 19, 2005, I attempted several more times to reach Mr. Gianluca Colli at his last known work telephone number. I finally received a return phone call from a man who identified himself as "Rustum," who told me that the work telephone number on which I had been leaving messages was not Mr. Gianluca Colli's work number, and he did not know who Mr. Gianluca Colli was or where he is located.
- 10. I left no less than six voice messages at the last known home telephone number for Mr. Gianluca Colli. The answering machine I left the messages on did not identify the owner, only that I had reached the telephone number that I had called. To date, I have received no response to any of these voice messages that I left.
- 11. On May 12, 2005, I mailed the Declaration and application papers to Mr. Gianluca Colli at his last known home address, via U.S. Express Mail and via Federal Express, with a cover letter requesting that the Declaration be signed and returned. Evidence of the mailing and the returning as undeliverable of both packages is provided in Attachment B.
- 12. To date, there has been no response from Mr. Gianluca Colli or anyone on his behalf to correspondence and telephone messages.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

DATED this 19th day of ______, 2005.

Janice Kniep

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- 1	FEE TRANSMITTAL for FY 2005		Application	Application Number		10/631,323			
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- 1	3. APPLICATION S	•		-					
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	under 37 CFR 1.52(e thereof. See 35 U.S	e)) the applicati .C. 41(a)(1)(G)	on size fee due and 37 CFR 1	e is \$250 (.16(s).	\$125 for small er	ntity) for ea	ch additional	50 sheets or fraction	
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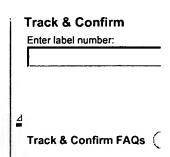
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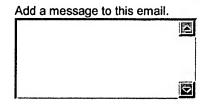
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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional) 850063.603RI



As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,269,352, granted July 31, 2001, and for which a reissue patent is sought on the invention entitled LOW-VOLTAGE, VERY-LOW-POWER CONDUCTANCE MODE NEURON, the specification of which
is attached hereto.
was filed on <u>July 31, 2003</u> as reissue application number <u>10/631,323</u> and was amended on <u>July 31, 2003</u> . (If applicable)
I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)
by reason of a defective specification or drawing.
by reason of the patentee claiming more or less than he had the right to claim in the patent.
by reason of other errors.
At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:
This reissue is a broadening reissue. The claims are unduly limiting because of the recitation of "neural" in the preamble.

[Page 1 of 2]

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(REISSUE APPLICATION	DECLARATION BY THE INVENTO	R, page 2)	Docket Number (Optional) 850063.603RI	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.				
Name(s)		Regist	ration Number	
Correspondence Address:	Direct all communications about the a	pplication to	Customer Number	
Customer Number -	······		30423	
Firm or Individual Name				
Address				
Address				
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Country				
Telephone		Fax		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.				
Vito Fabbrizio	t inventor (given name, family na	,		
Inventor's signature	<u></u>	Date 3	/29/05	
Residence Piacenza, Italy		Citizens	nip /	
Mailing Address	- 29100 Piacenza, Italy	naiy		
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Santa Clara, Califor Mailing Address		Italy		
	ue, #1215, Santa Clara, Californ			
Alan Kramer	nventor (given name, family name	·		
Inventor's signature	lan-	Date /	March 25,2005	
Residence Berkeley, California		Citizensh US	nip	
Mailing Address 705 Hilldale, Berkeley, California 94708				
Additional joint inventors are named on separately numbered sheets attached hereto.				

PE VOJO SILEMAN RI

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Docket Number (optional) REISSUE APPLICATION DECLARATION BY THE ASSIGNEE 850063.603RI I hereby declare that: My residence and mailing address and citizenship are stated below next to my name. I am authorized to act on behalf of the following assignee: STMicroelectronics S.r.l. and the title of my position with said assignee is: Vice President of IP and Licensing The entire title to the patent identified below is vested in said assignee. Name of Patentee(s): Vito Fabbrizio, Gianluca Colli, and Alan Kramer Patent Number Date of Patent Issued 6,269,352 July 31, 2003 Title of Invention LOW-VOLTAGE, VERY-LOW-POWER CONDUCTANCE MODE NEURON I believe said patentee(s) to be the original, first and sole/joint inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled LOW-VOLTAGE, VERY-LOW-POWER CONDUCTANCE MODE NEURON. the specification of which Π is attached hereto. was filed on July 31, 2003 as reissue application number 10 / 631,323 and was amended on July 31, 2003 (If applicable) I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56. I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.) by reason of a defective specification or drawing. by reason of the patentee claiming more or less than he had the right to claim in the patent. by reason of other errors. At least one error upon which reissue is based is described as follows: The claims are unduly limiting because of the recitation of "neural" in the preamble. [Attach additional sheets, if needed.]

[Page 1 of 3]

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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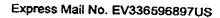
REISSUE APPLICAT	ION DECLARATION BY THE AS	SIGNEE		cket Number (optional) 0063.603RI
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	gning (given name, family name) n, Vice President of IP and Licer	nsing		
Signature Address of Assignee Via C. Clivatti 2	I-20041, Agrate Brianza, Italy	Da	te May	12, 2005
Patentee	120041, Agrate Diferent, Italy	Citi	zenship	
Vito Fabbrizio		1	Italy	
Residence/Mailing Address Via Corneliana, 44 – 29100 Piacenza, Italy				
Patentee Gianluca Colli			zenship Italy	
Residence/Mailing Address 141 Saratoga Avenue, #1215, Santa Clara, California 95051				
Additional Patentees are named on separately numbered sheets attached hereto.				

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I hereby appoint the for business in the Paten	ollowing attorney(s) and/or agent	t(s) to po	osecute	this appli	cation and transact all
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with the knowledge the imprisonment, or both,	all statements made herein of my and belief are believed to be true; at willful false statements and the under 18 U.S.C. 1001, and that on, any patent issuing thereon, o	and fur like so such wi	ther that made ar liful false	these sta e punisha statemer	Itements were made able by fine and
Full name of person sign	gning (given name, family name)				
Signature		1	Date	-	-
Address of Assignee				***	
Patentee Alan Kramer		(itizensh US	ip	
Residence/Mailing Add 705 Hilldale, Berke	lress eley, California 94708				
Patentee		C	itizensh	ip	
Residence/Mailing Add	ress				
Additional Patentees	s are named on separately numb	ered sh	eets atta	ched here	eto.
	[Dono 2 of				

[Page 3 of 3]

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PTO/S8/53 (02-01)

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	•			
REISSUE APPLICATION: CONSENT OF A STATEMENT OF NON-ASSIGNMENT	Docket Number (Optional) 850063.603RI			
This is part of the application for a reissue patent based on the original patent identified below.				
Name of Patentee(s)				
Vito Fabbrizio, Gianluca Colli, and Alan Kr	amer			
Patent Number	Date Patent	Issued		
6,269,352	July 31, 2	2001		
Title of Invention				
LOW-VOLTAGE, VERY-LOW-POWER CONI	DUCTANCE M	ODE NEURON		
1. X Filed herein is a statement under 37 CFI	R 3.73(b). (For	m PTO/SB/96)		
2. Ownership of the patent is in the invento	or(s), and no as	signment of the patent is in effect.		
One of boxes 1 or 2 above must be checked. If n assignee. If box 2 is checked, skip the next entry	nultiple assigne	es complete this form for each		
The written consent of all assignees and inventor included in this application for reissue.				
The assignee(s) owning an undivided interest in said original patent is/are STMicroelectronics S.r.i. and the assignee(s) consents to the accompanying application for reissue.				
Name of assignee/inventor (if not assigned) STMicroelectronics S.r.i.				
Signature /	Date			
Jusi K. Jorgenson	May 12,	<i>3</i> 005		
Typed or printed name and title of person signing		assigned)		
Lisa K. Jorgenson, Vice President of IP and Licensing				

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, OC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/96 (08-00)

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STATEMENT UNDER 37 CFR 3.73(b)
Applicant/Patent Owner: Vito Fabbrizio et al.
Application No./Patent No.: 6,269,352 Filed/Issue Date: July 31, 2001
Entitled: LOW-VOLTAGE, VERY-LOW-POWER CONDUCTANCE MODE NEURON
STMicroelectronics S.r.l, acorporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership
states that it is:
1. [] the assignee of the entire right, title, and interest; or
2. an assignee of an undivided part interest
in the patent application/patent identified above by virtue of either:
A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 8543, Frame 0688, or for which a copy thereof is attached. OR
B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:
1. From:
The document was recorded in the United States Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached
2. From:
The document was recorded in the United States Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached
3. From:
The document was recorded in the United States Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.
Additional documents in the chain of title are listed on a supplemental sheet.
Copies of assignments or other documents in the chain of title noted in B above are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.
May 12, 2005 Lisa K. Jorgenson Typed or printed name
Just to Jorgenson Signature
Vice President of IP and Licensing Title

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MAR 3 to 2005

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC

March 29, 2005

Re:

U.S. Reissue Patent Application No. 10/631, 323 entitled

LOW-VOLTAGE, VERY-LOW-POWER CONDUCTANCE MODE NEURON

ST Reference 03-I-712

Seed IP Reference 850063.603RI

Dear Mr. Tarleton,

As per your previous correspondence with Mr. Alan Kramer, attached please find the executed Reissue Declaration for the above referenced patent application.

The document has been executed by Mr. Alan Kramer and Mr. Vito Fabbrizio. However, we do not know the current whereabouts of Mr. Gianluca Colli, and are therefore unable to obtain his signature on the document.

If you should have any questions, or require additional information, please do not hesitate to contact me at the numbers listed below, or via email at jeniffer.dyer@upek.com

Sincerely

Jennifer Dyer

Human Resources Manager

UPEK, Inc.

2200 Powell Street, Suite 300

Emeryville, CA 94608

510-420-2616

510-420-2699 fax